1897-002 Chancery Causes: Dillard Graham vs. Lizzie Parsons &
Lee Co.

Andes, Humphrey, Barron, Reasor, Andis

1 Plat

- Deed

CA- Estate Dispute
T- Property

Will: 1895 : Martha Graham : Lee County

To The Hon.Wm.T.Miller,Judge of the Circuit Court for Lee County:

Humbly complaining,your orator,Dilliard Graham,would respectfully represent ans how unto your Honor: That several years ago,he and his wife,Marthat,(commonly called Mattie),bought from J.D.Grahamand his wife a tract of land lying and being in Lee County,Va.,in the Cane Creek country,and said to contain about 120 acres;that this land was by deed conveyed to your orator and his said wife by said J.D.Graham and wife on the 11th.day of January,1892,(a copy of which deed is here filed as exhibit "A",and prayed to be taken as a part of this bill); that from off the eastern end of this tract of land,your orator and his wife in her life time,on or about the day of 189 conveyed by deed to one Slemp about forty acres of this land,so there is now left about 80 acres of the same and that on the 6th.day of October,1892,Harvey Barton and wife and John R.Legg and wife by deed conveyed to your orator and his said wife,Lot No.four in block No.three in the town of Pennington Gap,Va. a copy of which deed is here filed as exhibit "B",and prayed to be taken as a part of this bill of Complaint.

Your orator wibl further show and aver unto your honor,that on the day of 1895,his said wife,Martha,commonly called Mattie Graham,died testate;that by the terms of her last will,which has been duly probated,she thereby appointed your orator as her executor,and requested no bond to be taken from him;that he on the 20th.day of May,1895,in the County Court for Lee County,did qualify as such executor;that by the terms of her will,she directed a decent burial,corresponding to her estate and her station in life, and the payment of all her just debts,which have been done,and which in the aggregate,saving nothing of many small things paid out for her,amounted to in the aggregate,$243.80....(and itemixed statement paid by your honor for her is here filed marked "C" and prayed to be taken as a part of this bill(; that at the time of her death she left no choses in action,money or personal property,except a little house-hold and kitchen furniture; that she gave out right all her personal property

choses in action etc.by said will to your orator:that thereby she gave to your orator for life all her real estate.which at the time of her death was an undivided moiety in said 80 acres of land and in said lot of land in the town of Pennington Gap:that by the terms of said will she gave.if her mother should survive your orator.the same real estate for her life:and thereby after the death of both.your orator and said Mourning Andes.the remainder in fee of her said interest in said lands .one-half to her sister.Lizzie Parsons and the other one-half thereof to the seven children of her dead sister.Amanda Reasor.whose names are Manervia Humphrey. Rebecca Barrow John Reasor, Peter Reasor, Fannie Reasor, Bell Reasor and Cass Reasor a copy of which will is here filed as exhibit "D" and prayed to be taken as a part of this bill of complaint.

Now the object of this bill is to have said sum of money set out in exhibit "C" repaid to your orator out of the moiety of real estate of which his said wife died the owner.and after that is done the balance of her said moiety in said real estate if there be any partitioned among himself. said Lizzie Parsons.and said seven children of said said Amanda Reasor.assigning one-half of said lands after said debts are paid mentioned in said two deeds in fee.the residue thereof after said debts are paid to your orator for his life.and the same lands so assigned to your orator for life.assigned to Mouring Andes for her life.dependent upon the contingency of her surviving your orator:and the remainder in fee.one-half to said Lizzie Parsons.and one-half to said seven children of said Amanda Reasor to be held jointly.

The premises considered.your orator is advised that he has rights therein which.however.are only cognizable in a court of chancery: His prayer therefore.is:that said Lizzie Parsons.Mourning Andes. Manervia Humphrey. Rebecca Barrow. John Reasor. Peter Reasor, Fannie Reasor, Bell Reasor and Cass Reasor be made parties defendants to this bill of complaint:that they be required to answer the same.but they need not do so on oath.that being expressly waived:that an order of publication be made as the law requires in

such cases for said Minerva Humphrey, Rebecca Barron, Peter Reason, John Reason, Fannie Reason, Bell Reason and Cass Reason each of whom are non-residents of this state;that a guardian ad litem be appointed for Cass Reason, Bell Reason Fannie Reason, John Reason, Peter Reason, and Rebecca Barron each of whom are infants under the age of twenty-one years;that on a hearing of this cause your orators account be allowed him and sicne there is no personalty,or money out of which to pay the same,enough of the real estate of which his wife died the owner be sold to pay the same;that the residue of her said real estate be partitioned and assigned in the maner as directed by said will and to whom therein specificly directed;and that of the whole of said real estate mentioned in said deeds,your orator be given one-half in fee simple. And that all other,futher and general relief be awarded your orator as the nature of his cause may require to comport with equity.And he will ever pray etc. May Spa.issue etc.

Pennington Bros..... P.Q.

Dillard Graham

vs. } Bill in Chancery

Lizzie Parsons et al

1897. 2nd May rules Spa
Ind on adult defts
D. & N.

" 1st June rules taken
the last monday in
May D. & N. Conf. as to
adult defts & Ans & A.L.
filed for infants. & Cause
Set for hearing

2 Min. 1073-4

In the name of God, Amen.
I Martha Graham of Lee County, Va.
do make this my last will and testament as follows:

I direct my body to be buried decently, in a manner corresponding to my estate and situation in life. And as to the worldly estate as I may die seized & possessed of, I dispose of the same as follows.

First - after the payment of all my just debts I give all of my real estate unto my dear husband, for and during his life and I also give unto him all my personal property, choses in action, household & kitchen furniture, together with all supplies & provisions I may have on hand in my house or place of dwelling.

Seconds. After the death of my said husband, I give all of my property then existing and not disposed of during the life of my said husband to my mother Mourning Arnold, for & during her life.

Thirds, from and after the death of my said husband and also after the death of my said mother,

I then will, give, grant, devise & bequeath all of my real estate and such of my personal estate as shall at that time be left and undisposed of to my sister Liggie Parsons and half, and one half to the seven children of my dead sister Amanda Reams to be held jointly by them.

Fourth, I hereby appoint my said husband Dillard Grahom my executor of this my will, and desire that no security shall be required of him as such.

Fifth I hereby revoke all previous wills & codicils thereto made by me

Witness my hand this the sixteenth day of August, 1893.

Martha Grahom.

Witnessed by,
John Beale
John T. Whitehead.

Virginia:-

At a county court continued & held for Lee County at the court house thereof on Monday, May 20th 1895:

Present, Hon. James M. Orr,
Judge, Lu Leo. Court.

The last will and testament of Martha Graham was this day produced in court and the said will was proved by the oath of John T. Whitehead, one of the subscribing witnesses thereto, who also proved the execution of the said will by the testatrix, in his presence and in the presence of John Lucie, the other subscribing witness thereto, & that they signed the said will as attesting witnesses thereto at the request of the testatrix in her presence, they all three being there present at the signing of the same. Thereupon said will is ordered to be recorded. On the said Will of Martha Graham she having appointed & nominated Dillard Graham as her executor and that said Graham was not to give any bond, thereupon the said Graham took the oath required by law & certificate is granted him for obtaining probate of the said will in

Copy

Last will of

Martha Graham.

Will Book
No 4 p. 257

due form.
Copy. Test:
J. S. D. Nottingham
Clerk

This Deed made this 11th day of Jan. 1892 between James D. Graham and Mary E. Graham his wife formerly of Lee County and state of Virginia but now residents of Hunt County Texas of the first part and Dillard Graham and Martha Graham his wife of Lee and state of Virginia of the second part. Witnesseth That in the consideration of the sum of $2350.00 paid in hand to the said James D. Graham by the said Dillard Graham and his wife the receipt is hereby acknowledged. The said party of the first part do by these presents give grant bargain sell deliver and convey unto said Dillard Graham and his wife Martha Graham in equal proportions all their right title and interest in and to a certain tract or parcel of land containing 120 acres be the same more or less lying and being in the counties of Lee and state of Virginia on the South side of the Poor valley ridge and on Cane Creek and is bounded as follows to wit: Beginning at a rock corner to John E. Burks land thence S 59 W 147 1/3

poles to a to a rock at James W. Cecils
N 17 W 43 1/2 poles to a rock N 19 1/2 W 35 to
a sugar tree and red oak on a spur
of the poor valley ridge N 59 E 117 poles
to a rock in the deep gap on the
McCordis land a little west of a
small branch thence with said McCords
line N 33 1/2 W 5 poles and 9 links to
a rock thence N 59 E 64 poles to a
buckeye and small poplar on the
bank of a small branch thence down
and with the same N 65 E 6 poles to
a stake N 75 E 25 poles to a rock N 59 1/2
E 9 poles N 67 1/2 E 7 poles to a stake near an
apple tree N 80 E 15 poles to a stake opposite
the head of a spring S 71 1/2 E 4 poles S 32 1/2
E 9 poles S 37 1/2 E 32 poles S 56 1/2 E 9 poles
S 49 1/2 E 13 1/4 poles to a stake on C. B.
Howards line S 59 W 159 1/2 poles to a stake
opposite the beginning thence 40 feet to
the Beginning. To have and to hold
the the foregoing described tract or
parcel of land except one half interest
in the big spring and a cave on
the east end of the farm with all
the appurtenances unto the said Dillard
Graham and Martha Graham his wife

forever and the party of the first part covenant that he will warrant generally the title to the tract of land above described witness the following signatures and seals.

James D. Graham (Seal)

Mary E. Graham. (Seal)

The State of Texas }
County of Hunt } Before me a Justice of the Peace and ex officio Notary Public in and for Hunt County Texas on this day personally appeared James D. Graham and Mary E. Graham wife of James D. Graham known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed. And the said Mary E. Graham wife of the said James D. Graham having been examined by me privily and apart from her husband and having the same by me fully explained to her, she, the said Mary E. Graham acknowledged such instrument to me to be her act and deed and she declared she had willingly signed the same for the purposes and

consideration therein expressed, and that she did not wish to retract it. Given under my hand and seal of office this the 6th day of February A.D. 1892.

W. A. Fayles J.P. & Ex Officio
Notary Public Precinct no 3
Floyd Hunt Co. Texas.

Notary Public Hunt County Texas

Virginia Lee County to wit;

In the office of the clerk of the said county the 18 day of April 1892, this deed was presented and to-gether with the certificate thereto annexed admitted to record.

Teste John Q. Gibson, clerk.

This deed made this the 6th day of October 1892 by and between Hardy Barton Ellen F. Barton and John R. Legg and Maria Legg parties of the first part and Dillard Graham and Matter Graham parties of second part, and all of Pennington Gap, Virginia; Witnesseth That for and in consideration of the sum of five hundred dollars; two hundred dollars of which sum is in hand paid, and the residue, three hundred dollars with legal interest from the date, to be paid on or before May the 1st 1893, the said parties of the first part, do and each of them doth hereby give, grant, bargain, sell, convey, and deliver unto said second parties a certain lot or parcel of land lying and being in Lee County Virginia in the town of Pennington Gap Virginia and known in the plat and plan of said town as Lot number four in block number three, which plat is of record in the County Court Clerks Office of Lee County Virginia. To Have and

to Hold said lot or parcel of land together with all its improvements and appurtenances unto the parties of the second part and their heirs forever. And said parties of the first part do hereby covenant to warrant generally the title to said lot, its improvements and appurtenances. Witness the following signatures & seals the day and year first above written.

H. Barton. (Seal)
Ellen F. Barton (Seal)
J. R. Legg (Seal)
Nannie E. Legg. (Seal)

Virginia Lee County, to wit:

I E. W. Pennington, a notary public in and for the county and state aforesaid do hereby certify that Harvey Barton, Ellen F. Barton John R. Legg and Nannie Legg, whose names are signed to the writing above bearing date on the 6th day of October, 1892 have acknowledged the same before me in my county aforesaid. Given under my hand this the 6th day of October, 1892.

E. W. Pennington N.P.

Virginia Lee County - to wit:

In the office of the clerk of said county the 21st day of May 1894, this deed was presented, and together with the certificate thereto annexed admitted to record.

Teste: A. L. H. Richmond, clerk

(1)

Virginia,

In the Circuit Court of Lee County.

To the Hon. W. T. Miller, Judge of said Court:

--------The dumurrer and answer of Mourning Andis, Lizzie ~~Parosn~~ Parsons and ~~Mx~~ Minerva Humphrey to a bill filed in this Honorable Court against these respondents and others by Dillard Graham. Respondents say that plaintiff's bill is not sufficient in law to call upon them to answer in this Honorable Court, and they demurrer to the same and pray judgement of their said demurrer. And not waiving said demurrer, but relying ~~an~~ and insisting thereon, should further answer be required of them, answering, they say: That it is true that Mattie Graham, deceased, was the wife of the plaintiff, and that she before her death made or attempted to make her last will and testament, by which she disposed of ~~xx~~ her real and personal property as in said will is shown, providing ~~forh~~ for her funeral expenses, payment of her ~~xxxxxx~~ debts, etc., and then otherwise disposing of her said real and personal property as provided in said will; and it is likewise true that said Mattie owned a moiety of the 80 acre tract of land in the bill mentioned, and of the lot in Pennington Gap in said bill mentioned; it is also true as they suppose that the plaintiff qualified as executor of said will and took charge of the personal and real estate of the said testatrix. But it is not true that the said Mattie Graham at the time of her death left no ~~xxxxx~~ choses in action, money or personal property, except a little household and kitchen furniture; and it is not true that she by her said last ~~willh~~ will gave, outright, to the plaintiff all her personal property, choses in action, etc., but upon the contrary it will be seen from ~~xxxx~~ reading, and upon proper construction of, said will, that she only gave to the plaintiff her real and personal property for life, and at his death the same to go to your respondent, Mourning Andis, and at her death to tetatrix's sister, your respondent, Lizzie Parsons, and the ~~xxxxx~~ Reasor children. This manifestly appears from the reading of the Third clause of said will in connection with the other clauses. The said Mattie Graham died without issue. ~~Yxxx~~

Your respondents will further represent and shew unto your Honor,

~~in controvention of plaintiff's bill~~

in contravention of the object of plaintiff's bill to sell the ~~testatrix~~ testatrix interest in said real estate and apply the proceeds to reimburse him the amounts he claims to have paid for her funeral expenses, debts, etc., that when the said plaintiff and his said wife were married in the year 1884, or 1885, the plaintiff had nothing, while the said Mattie was worth from $2000.00 to $3000.00 in money, land, etc., that had descended to her from her Father, Thomas Pennington, deceased, and the real estate in the bill mentioned, that is, the 120 acre tract of land, and the lot in Pennington Gap were purchased with her money, but the deeds were in some way or other made to her and her said husband jointly, and after the 40 acres was sold off of the 120 acre tract to M. L. Slemp for $1000.00, this money was invested in the mercantile business at Pennington Gap, and a store house was purchased at the price of $500.00, and this store house and lot is the lot in the bill, and copy of deed with the bill, mentioned; They also purchased an adjoining lot on which they built a dwelling house , and which dwelling house and lot was reasonably worth $1000.00, and at the time of the death of the said Mattie there was a stock of goods on hands in said store house worth at least $1000.00, and perhaps some $400.00 or $500.00 due the store for goods. And she and her said husband owned at the time of her death live stock consisting of horses, cattle, hogs, etc., worth several hundred dollars, besides considerable household and kitchen furniture, some of which she owned at the time of her marriage, and some ofcourse acquired afterwards, but acquired with or from the proceeds of her money invested and used by herself and her said husband.

Now, your respondents allege, as before stated, that the plaintiff, at the time of his marriage with his said wife, was not worth anything, and all of the property afterwards acquired by them both real and personal was purchased with her means, or acquired by the use and ~~investment~~ investment of her means, and if she permitted the real estate, purchased with her money, to be conveyed to them jointly, it was a gratuity upon her part, and she at the time of her death was the owner of at least one-half of all the personal property owned by them at that time, including the stock of goods, debts due, etc., and the personal ~~property~~ property that came to the plaintiff's hands as executor was considerably more than sufficient to pay any funeral expenses, debts, etc., that might have been incurred by him in ~~burying~~ burying his said wife

~~and marking her~~

and marking her last resting place, and paying the physicians their bills for attendance upon her during her last illness. And your respondents have learned somewhere either in the law, or from they dictates of what they trust is the proper conscience, that it is the duty of the man, both legally and morally speaking, to bury his wife, and it causes them to blush to hear the charge here attempted to be asserted by the plaintiff in his bill for doing what was his duty to do, even if at his own expense, which was not the case, as the decedent left personal property more than sufficient to pay said expenses, and they deny the right of the plaintiff to assert and maintain his action in a Court of Conscience for the claim he seeks to set up, or to subject said real estate to its payment in any view of the case. He can not take a valuable estate for life under the will and then bring up a debt for funeral expenses, etc., and tomb stones erected at the grave of his own wife, and thus gobble up the real estate after he has used and appropriated unto himself the personalty. But we have here the remarkable spectacle of a husband, as devisee under his wife's will, attempting to assert a claim against her estate for funeral expenses, doctor bills paid, and tomb stones erected at her grave, and to enforce the same against the real estate when there was ample personal estate left to pay these expenses and more too.

And now having answered they pray to be hence dismissed with their reasonable costs.

W. K. Hopkins.
& Or & Blankenship. P. D.

The filing of this answer is objected to by the plaintiff because it contains matter that is impertinent. These respondents have gone out of the way to state matter not material to their defense. All the answer from the last line on page one to and including lines 1 to 20 & 26 to 32 on page two are prayed to be stricken out at their costs.

Pennington Bros
p. q.

Morning Judis et als.
vs
Gilbert Graham
Answer.

Filed in open Court and by leave thereof June 9th 1897.
A. B. Murray Clerk

Virginia:

Circuit Court for Lee County:

To the Hon. W. L. Miller, Judge of the said Court:

The joint and separate answer of Cass Reasor, Bell Reasor, Fannie Reasor, John Reasor, Peter Reasor and Rebecca Barron, infants under the age of twenty-one years, by L. T. Hyatt, their guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against them and others, in the said Court, by Dillard Graham:

Respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said guardian ad litem, answer and say:

That they are infants of tender years, and by reason of their infancy, are incapable of understanding, or of taking care of their rights and interests. They, therefore, by their said guardian, commend themselves and their said rights and interests to the protection of the Court, and pray that no decree

may be pronounced which will tend to their prejudice.

And now having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

L. T. Hyatt, Guardian ad litem for
Cass Reasor,
Belle Reasor,
Fannie Reasor,
John Reasor,
Peter Reasor,
and Rebecca Barron.

Virginia, Lee County, to wit:

I, A. B. Munsey, Clerk of the Circuit Court for the County aforesaid, do certify that L. T. Hyatt this day made oath before me that the statements made in the foregoing answer are true as he is informed and believes. Given under my hand this the 24th day of May 1899.

A. B. Munsey Clerk

Dillard Graham

vs } Chancery

Lizzie Parsons et als.

Answer of Infant Defendants, by L. T. Hyatt, their guardian ad litem.

Filed May 24th 1897

A. B. Murray
Clerk

Dillard Graham

vs. } Bill In Chancery

Lizzie Parsons et al

1897 2nd May rules Spa 2d Dec to
the adult Defts & D N to them
" 1st June rules taken the last
Monday in May D N Confd
Ano G.A.L. filed for infants
& Cause Set for hearing
June term Decree & Confd
Novr term 1897 Decree
final See Chcy Ob B. 6
Page 80.

Pltffs Costs

Clerk	8.28
Tax	1.50
Shff	3.00
Printer	5.00
Comrs	18.00
atty	15.00
	50.78
G.A.L.	5.00
	55.78

Dillard Graham Complt
vs
Lizzie Parsons et al Deft.
} In Chancery.

This cause came on this day to be heard upon the papers formerly read therein, and the report of Comrs. L. M. Carmichael, Wm. J. Gilley, J. R. Gigg & M. L. Stump filed herein on Oct. 14th 1877, and was argued by counsel: On consideration of all which and for reasons appearing to the Court it is adjudged, ordered, and decreed that said report and partition be and are hereby confirmed, and that said Complainant take and hold in fee-simple lot No. four in block No. three in the town of Pennington Gap and also lot No. One shown in the plat and report of said Commissioners, and that said Dillard Graham take and for his life lot No. two shown in the plat and report of said Commissioners, and after his death then to Mourning Studes for life, and after the death of said Graham and Studes, then to said

Lizzie Parsons in fee simple one undivided moiety of said lot No. two and the other moiety of the same to Cass Reason, Bell Reason, Fannie Reason, John Reason, Polly Reason, Rebecca ~~Barr~~ Barron and Minerva Humphrey. And it is further adjudged, ordered and decreed that said Complainant pay the ~~one half the~~ taxable costs of this suit ~~and that Mourning Ardes, Lizzie Parsons, Cass Reason, John Reason, Bell Reason, Annie Reason, Polly Reason, Rebecca Barron and Minerva Humphrey pay the other half of the costs.~~

And the Clerk of this Court will transmit sufficient of the orders of this Court showing the direction of the partition of said land and the confirmation of such partition and the report and plat of said Commissioners to the Clerk of County Court to be recorded by him. And nothing further to be done herein, this cause is stricken from the docket.

Dillard Graham

vs } Decree final

Lizzie Parsons et al

Ent. C.O.B. No. 6 p. 80.

Entered this
Nov 9th 1897

W L W

(make 4 copies)

Virginia

At a circuit Court continued and held for Lee County at the Court-house thereof on Monday, the 14th day of June 1897.

Dillard Graham Complainant
vs
Lizzie Parsons et al Defendants } In Chancery

This cause came on this day to be heard upon the bill of the complainant and exhibits filed therewith, the demurrer and answer of Mourning Andis, Lizzie Parsons, and Minerva Humphrey, with exceptions thereto, the answer of Cass Reasor, Belle Reasor, Fannie Reasor, John Reasor, Peter Reasor, and Rebecca Barron, infants by L. T. Hyatt their Guardian ad litem, and replication to each of said answers. On consideration of all which, and for reasons appearing to the Court, said defendants demurrer is overruled. And it is adjudged ordered and decreed that Wm T Gilly, L M Carnical, J. R. Legg, and M. L. Slemp (any three of whom may act) who are hereby appointed Commissioners for the purpose, will as soon as practicable go upon the lands in the bill ~~and proceedings~~ mentioned and partition the same among said.

Complainant and defendants and assign one half thereof in Value in fee to Said Complaint, the residue thereof to Said Complainant for his life, then to Mouring Andis for her life, if She be living at the death of Said Complainant, and after the death of Said Complainant and Said Mourning Andis, Such moiety So assigned to them for their lives they will assign the rever ~~sion~~ in fee Simple one half to Said Lizzie Parsons, and the other half to Said Seven Reasor Children Jointly. And Said Commissioners will report their action to Court. And this Cause is Continued.

A Copy

Teste A B Munsey Clerk

Dillard Graham
vs
Copy Decree
Lizzie Parsons

Executed Aug 7-1897
by delivering a true
copy of the within
Decree to W. T. Sillery
& M. Carmical & R.
Legg & M. L. Slemp
W. O. Webster S.P.C.

Copies for W. T. Sillery
& M. Carmical & R.
Legg & M. L. Slemp

Clerk 2.00

Willard Graham Complt
vs.
Lizzie Parsons et al Defts } In Chan.

This cause came on this day to be heard upon the bill of the Complainant, and exhibits filed therewith, the demurrer of Mourning Andes, Lizzie Parsons & Minnie Humphrey, with exceptions thereto, the answer of Cass Reasor, Belle Reasor, Fannie Reasor, John Reasor Peter Reasor and Rebica Barrow infants by L. G. Hyatt their guardian ad litem, and replication to each of said answers. On consideration of all which, and for reasons appearing to the court, said defendants demurrer is overruled, and likewise the exceptions of said Complainant to said answer is overruled; And it is adjudged, ordered and decreed that Wm. P. Gilly, L. M. Learmichael, M. L. Slemp and J. R. Ligg, any three of whom may act, who are hereby appointed commissioners for the purpose, will as soon as practicable go upon

the lands in the bill of proceedings mentioned and partition the same among said Complainant, and defendants, and assign one-half thereof in value in fee to said Complainant, the residue thereof to said Complainant for his life, then to Mourning Andes for her life, if she be living at the death of said Complainant, and after the death of said Complainant and said Mourning Andes such moiety so assigned to them for their lives they will assign the reversion in fee one-half to said Lizzie Parsons, and the other half to said Susan Reasor Children jointly. And said Commissioners will report their action to Court. And this Cause is Continued.

Lillard Graham

vs } Decree No. 1

Lizzie Parsons et al

C.O.B. No 6 p. 10

Entered this
June 14/97
W. F. M

Virginia:

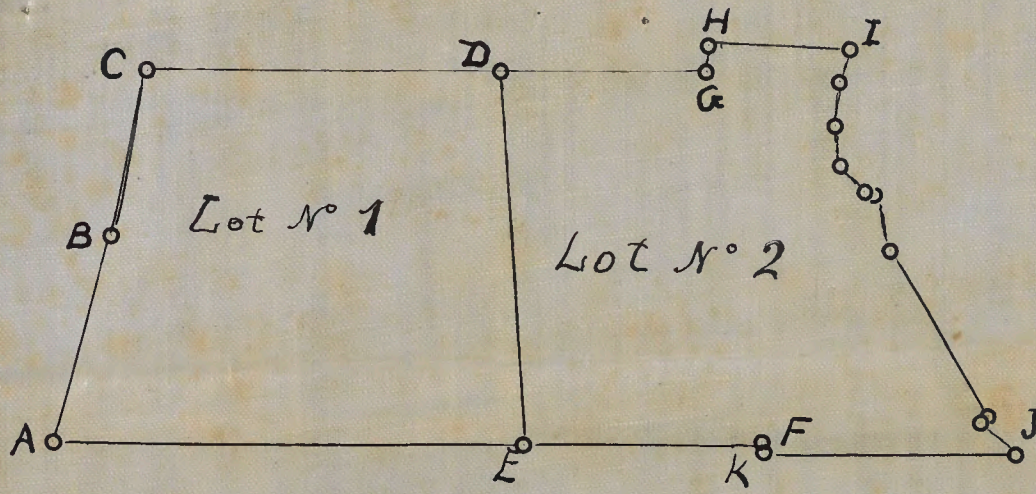
Lee County,to-wit:-

This day Lillard Graham appeared in person before me,a notary public in and for the county and State aforesaid and made oath that Minervia Humphrey,Rebecca Barron,Peter Reasor,John Reasor, Fannie Reasor,Belle Reasor,and Cass Reasor,against whom he is about to institiue a suit in equity in the Circuit Court for Lee county,~~is~~ are non-residents of this Commonwealth.

Given under my hand this the 21st.day of April,1897.

L.A.Ryan.....N.P.

Dillard Graham
vs } affidavit
Lizzie Parsons et al



Comm. Plat

Dillard Graham

vs

Lizzie Parson et.

Aug 1897

Dillard Graham
vs
Lizzie Parson et al } In Chy

Pursuant to an Order of the Circuit Court of Lee County Va. We the undersigned Commissioners Wm T Tilley L. M. Carnical J. R. Legg and W L Slemp have partitioned the lands in the bill and proceedings mentioned in the above styled Cause, according to the following plat & report.

Said Lands consist of two tracts or parcels; namely, a Lot in the town of Pennington Gap and about 80 acres near thereunto. We have laid off and assigned to Dillard Graham in fee, what we consider one half thereof in value. Composed of said town lot and the western end of said 80 acre tract, which is bounded as follows; to wit, Beginning at (A see Plat) a rock, Corner to Wilkison Cecils land thence with Original lines of tract N 15½ W 44 poles to a rock N 18 W 35½ poles to a sugar tree and red-oak on top of a spur N 60 E 73½ poles to (D) a stake on a steep hill side, and Corner to lot No 2 thence with line of same S 40½ E 80 poles to a stake on the South line

of the original tract and with the same S 59 W 98 p. to the beginning Containing 40 acres More or less. See Lot No 1. lettered A. B. C. D. E. - A

The residue of said lands, or Lot No 2, we have laid off and assigned to said Dillard Graham for his life, then to Mourning Andis for her life, if she be living. And after the death of said Graham and said Andis, we assign one half of said Lot No 2 to Lizzie Parsons and the other one half to the heirs of John Reazor (Deceased) as are mentioned in decree; namely Cass Reazor, Belle Reazor, Fannie Reazor, John Reazor, Peter Reazor, Rebecca Barrows and Minerva Humphrey. Said tract so assigned is bounded as follows to wit: Beginning at (F) a rock, thence with the south line of tract S 59 W 50 poles to a stake thence N 40 W 80 poles to a stake on the North line of tract, and with the same N 60 E 43½ poles to (G) a rock in a deep Gap on the McCredie line, and a little west of a small branch, thence with the McCredie line N 32 W 5 poles and nine links to a rock N 60½ E 30 poles to (I) a stake on the top of a spur thence with the top of

of said spur and Luther Slemps line S 19 E 8 poles S 32 E 9 poles S 49 E 8 poles S 77½ E 4½ poles S 85 E 2 52/100 poles S 5 E 13½ poles to a double maple S 70½ E 45 poles to a stake in the south edge of a pond thence S 34 W 1 6/10 poles to a stake near a large apple tree S 85 E 11 poles to a stake and Gate post thence with the south original line of tract S 60¼ W 53 poles to a rock N 35 W 2½ poles to the beginning Containing 40 acres More or less

See Fig F. E. D G H. I. J K—F.

All of which is most respectfully Submitted August 13th 1897

L. M. Carmical
Wm T. Gilley
J. R. Legg
W. L. Slemp.

Bill of Cost

L. M. Carmical	comm. & surv.	$10.00
W. T. Gilley	" 1 day	2.00
J. R. Legg	" 1 "	2.00
W. L. Slemp	1 "	2.00
Polk Kelly Chain Carrier		2.00

Virginia, Lee County, to wit:

In the Office of the Clerk of the County Court for said County, the 12th day of July, 1899. This partition, and decree accompanying the same, was presented, and admitted to record.

Teste: B. M. Morgan, Clerk.

Dillard Graham
vs
Lizzie Parrish
Cir. Ct. Report
of Division of Land

Filed Oct 14th 1899
A B Munsey Clk

Recorded in Deed
Book No 34 p 517
fc

The Estate of Martha Grham Decd.

In account with

1895. ~~Hale and Hall~~ R. S. Wood & Sons

To one coffin ..... $20.00.

Received from Dillard Graham executor of the estate of Martha Graham

Twenty-~~two~~ dollars in full for the above account.

This the 4 day of May 1895.

R. S. Wood & Sons

The Estate of Martha Graham,decd.,

In account with

1897 Geo.F.Clark.

To medical services rendered the said Martha,in her last Illness. ..... $10.00.

This ms to certify that Dr.G.F.Clark,personally appeared before me,the undersigned,a Justice of the Peace in and for the county of Lee and State of virginia,and made oath that he renderdd the services charged in the foregoing account during the last illness of the of the said Martha Graham;that the said charges are reasonable and just;and that said account was paid him by Dillard Graham.Given under my hand,this the 18 day of May,1897.

J.G. Noel J.P.

This is to certify that I P.H. Allen personally appeared before me a Justice of the Peace in and for the county of Lee and State of Virginia,and made oath that he knows that the sais Dr.Clark attended upon the said Martha Graham during her last illness,which lasted something like a year or more. Given under my hand this the 18 day of May,1897.

J.G. Noel J.P.

Received from Dillard Graham,executor of the estate of Mattie Graham. Ten dollars in full for the above account.

Geo. F. Clark

The Estate of Mattie Gragam.

In account with Dr.D.H.Howard.

To Medical services rendered her and medicines furnished in her last illness..... 16.09.

This is to certify that Dr.D.H.Howard personally appeared before me,the undersigned,a ~~notary public~~ Justice of the Peace in and for the County of Lee and State of Virginia,and made oath,that he rendered the services and furnished the medicines to said Mattie Graham as charged in the foregoing account during her last illness;that the said charges are reasonable and just;and that said account was paid him by Dillard Graham,executor of the said Mattie.
Given under my hand this the 13 day of May,1897.

.....J.C.Noel J.P. ~~J.P.~~.

This is to certify that Joe Howard..... personally appeared before me,a ~~notary public~~ Justice of the Peace.in and for the county of Lee and State of Virginia and made oath that he knows that said Dr.D.H.Howard attended upon the said Mrs.Mattie Graham during her last illness,which lasted something like a year or more. Given under my hanf this the 13 day of May,1897.

.....J.C.Noel J.P.

Received from Dillard Graham,executor of Mrs.Mattie Graham,Sixteen & 9/100 dollars,in full for the above account. L. H. Hammond

.....

The Estate of Mattie Graham.

In Account with Dr.P.H.Allen.

To medical services rendered her in her last illness.and also medicines furnished her during her last illness..... $72.71.

This is to certify that Dr.P.H.Allen personally appeared before me.the undersigned.a ~~notary public~~ Justice of the Peace in and for the County of Lee and State of Virginia.and made oath.that he rendered the services and furnished the medicines to Mrs.Mattie Graham charged in the foregoing account.during her last illness;that said charges are reasonable and just;and that they have been paid me by Dillard Graham.the executor of said Mattie Graham. Given under my hand this the 13 day of May 1897.

.....J.C. Noel J.P.

This is to certify that Geo H. Clark personally appeared before me.the undersigned.a Justice of the Peace in and for the County of Lee and State of Virginia.and made oath he knows that Dr.P.H.Allen attended upon Mrs.Mattie Graham during her last illness.which lasted something like a year or more.and that he made frequent visits to see her. Given under my hand this the 18 day of May 1897.

.....J.C. Noel J.P.

Received from Dillard Graham.executor of Mrs.Mattie Graham.Seventy-two and 71/100 dollars in full of the above account.

P.H.Allen

In the Clerk's Office of the Circuit Court of the County of Lee on the 21st day of April 1897.

Dillard Graham Plaintiff

against

Lizzie Parsons, Mourning Andis, Minerva Humprey, Rebecca Barron, John Reason, Peter Reason, Fannie Reason, Belle Reason & Cass Reason Defendants.

In Chancery

The object of this suit is to have repaid to complainant $243.80 which he paid out for Mattie Graham deceased and to partition the real estate jointly held by her and said complainant at her death

And an affidavit having been made and filed that the defendant Minerva Humphries, Rebecca Barron, John Reason, Peter Reason, Fannie Reason, Belle Reason & Cass Reason are not resident of the State of Virginia, it is ordered that they do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the South West Virginian, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the County Court.

A copy—Teste:

Pennington Bros p. q. A. B. Munsey Clerk.

Willard D. Graham

VS. { ORDER OF PUBLICATION.

Lizzie Parsons et al

Virginia Lee County to wit:
I A. B. Munsey Clerk of the Circuit Court for Lee County do hereby certify that I posted a copy of the within order of publication at the front door of the Court house of Lee County on the 1st day of the May term of County Court.
Given under my hand this the 24th day of May 1897 A. B. Munsey Clerk

Virginian, Print, Jonesville, Va } Form No. 302.

In the Clerk's Office of the Circuit Court of the _____ of

Dillard Graham Plaintiff

against

Lizzie Parsons et al Defendants. } In Chancery

This day Floyd Warner personally appeared

before me, _____ Clerk of the said Court,

and being duly sworn, made oath that Minerva Humphrey, Rebecca Barron John Reasor, Peter Reasor, Fannie Reasor, Belle Reasor, & Cass Reasor

defendants in the said suit are not residents of the State of Virginia,

Given under my hand has Clerk of the said Court, this 21st day of April

1897

A B Munsey Clerk

FORM No 302.

Dillard Graham

vs. { AFFIDAVIT FOR ORDER OF PUBLICATION.

Lizzie Parsons et al

P Bros p. q.

Filed April 21st 1897.
A B Munsey Clerk

Southwest Virginian,
Jonesville, Va.

The Commonwealth of Virginia,

To the Sheriff of the County of ~~Lee~~ Wise *Greeting:*

We command you to summon Lizzie Parsons, Mourning Andis, Minerva Humphreys, Rebecca Barron, John Reason, Peter Reason, Fannie Reason, Belle Reason & Cass Reason

to appear at the Clerk's office of our Circuit Court of the County of Lee, at the court-house thereof, at the Rules to be holden for said court, on the 3rd Monday in May, 1897, to answer a bill in Chancery, exhibited against them in our court by Dillard Graham

. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 22nd day of April 1897, and in the 121st year of the Commonwealth.

A. B. Munsey *Clerk.*

A copy—Teste:

Clerk.

Wise

Dillard S. Graham

vs. { SUBPŒNA IN CHANCERY.

Lizzie Parson et al

Pennington Bros P. Q.

TO 2nd May Rules. 1897

CIRCUIT COURT.

Executed by delivering an office copy of the within to Lizzie Parson one of the within named defendants in Wyoming Co on May 3rd - 1897

J. A. Miller
S. W. C

E. C. S.

75
6.19
15-0
45.37

Southwest Virginian,
Jonesville, Va.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Lizzie Parsons Mourning Andis, Minerva Humphrey, Rebecca Barron, John Reason, Peter Reason, Fannie Reason, Belle Reason & Cass Reason

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said court, on the 3rd Monday in May, 1897, to answer a bill in Chancery, exhibited against them in our court by Dillard Graham

. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 22nd day of April 1897, and in the 121st year of the Commonwealth.

A. B. Munsey *Clerk.*

A copy—Teste:

Clerk,

Dillard Graham

vs. { SUBPŒNA
IN CHANCERY.

Lizzie Parsons

~~Pennington Bro~~ P. Q.

TO 2nd May Rules. 1897

CIRCUIT COURT.

Executed Aprile 24-
1897 by delivering
an attested office copy
of the within to
Manning Andis in
Lee County Virginia
this Aprille 27th 1897
W. P. Weston S.L.C.

CERTIFICATE OF ORDER OF PUBLICATION.

We, A. M. Goins and W. ~~M.~~ H. ~~Davidson~~ Eads, editors of the SOUTHWEST VIRGINIAN, a weekly newspaper published at Jonesville, Lee county, Va., do hereby certify that the annexed notice was published in said paper once a week for four successive weeks, commencing on the 21st day of April 1897.

A. M. Goins
W. H. Eads } EDITORS.

Fee $3.00

VIRGINIA—In the Clerk's Office of the Circuit Court of the County of Lee on the 21st day of April 1897

Dillard Graham, Plaintiff,
against
Lizzie Parsons, Monervia Andis, Monervia Humphrey, Rebecca Barron, John Reasor, Peter Reasor, Fannie Reasor, Bell Reasor and Cass Reasor, D'ft's

IN CHANCERY.

The object of this suit is to have repaid to the complainant $343.80 whice he paid out for Mattie Graham Dec'd, and to partition the real estate jointly held by her and said somplainant at her death. And an affidavit having been made and filed that the defendants Monervia Humphrey, Rebecca Barron, John Reasor, Peter Reasor, Fannie Rsasor, Bell Reasor and Cass Reasor are not residents of the State of Virginia, it is ordered that they do appear here, within fifteen days after due puplication hereof, and do what may be necessary to protect their interest in this suit And It is further ordered that a copy hereof be published once a week for four weeks in the Southwest Virginian, and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the County Court. A copy—Teste:

A. B. Munsey, Clerk.

Pennington Bros. p. q. 4 1-4 4-22

Willard Grobaum
vs
Lizzie Parsons et als.

Certificate of Publication